

03-01-0115
Docket# TSCA III 0156 *gr*
Case# _____

TSCA PCB NOTICE OF NONCOMPLIANCE CLOSE-OUT SUMMARY

Case Name BGF Industries

Address Altavista, VA 24517

Case Reviewer Scott Rice

Inspection Date(s) 12/15/99

Date NON Issued 04/02/01

Response Dates 04/23/01 Respondent sent explanation indicating that the situation was caused by an oversight due to a change in company individuals responsible for hazardous waste management. Respondent supplied all requested annual documents, and indicated that their standard operating procedures for the inspection of the PCB capacitors have been revised to ensure that annual documents are kept up to date.

Violation Type(s) 6PK (Failure to maintain records)

Section(s) 761. .180

Failure to maintain inspection records and annual document logs

Compliance Actions Taken Respondent indicated that the standard operating procedures for the inspecting and documenting BGF's PCB capacitors have been revised to ensure similar incidents do not occur.

Check here is "Area of Concern" statement is attached.

	Signature	Date
Reviewer	Scott Rice <i>Scott R</i>	05/22/01
Program Coordinator	<i>[Signature]</i>	_____
Branch Chief	<i>[Signature]</i>	05/29/01

ENFORCEMENT PRIORITY SCREENING CHECKLIST
ENFORCEMENT SENSITIVE - DO NOT RELEASE

Name and Location of Violator:	Program Contact: <u>Scott Rice</u>
BGF Industries, Inc.	ORC Contact: <u>TBD</u>
<u>401 Amherst Ave.</u>	
<u>Altavista, VA 24517</u>	
Industry SIC Code: <u>2221</u>	
Date of Inspection: <u>December 15, 1999</u>	
Recommended Action: <u>NON</u>	
Projected Quarter: <u>Second</u>	
SCREENING QUESTIONS	
<p>1. What is the violation(s)? Were there violations of reporting requirements such as manifest, DMRs, lab reports or training? Did the violation(s) deprive EPA or any state or local environmental agency of information critical to its program operation or otherwise undermine the regulatory scheme? Please Describe:</p> <p>The facility utilizes 133 PCB Large Capacitors. The facility has not prepared the required annual documents for these capacitors from 1991 through 1998. VADEQ has been investigating facilities along the Roanoke/Staunton River with regard to the posted fish advisories for PCBs. BGF will probably undergo PCB remediation at the facility due to PCBs being discovered in a nearby ravine connected to BGF's property.</p>	

(b) (5)

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2. Could or did the violation cause or contribute to actual harm to public health or the environment? Is the violation continuing?

(b) (5)

No - The violation is not continuing at this time.

3. Is this a repeat or recurring violation or violator? Is there a history of non-compliance? Please Describe:

No - Unknown for other programs.

4. Is this a significant/high priority violation according to the program's guidance?

(b) (5)

5. Are there known or suspected violations of other regulatory requirements? Does this case have multi-media potential?

(b) (5)

6. Have there been any State enforcement actions taken for the violation(s)?

No - State is not authorized to implement the PCB program (not delegated).

7. Has the company or any individuals employed by the company submitted false or misleading information or documents? Has there been any tampering with monitoring equipment?

No.

8. Does the violation involve knowing, willful or negligent conduct by the company or any individual employed by the company? Is there evidence that the violator was, or should have been, aware of the requirement(s) which were violated? Please describe:

No.

9. Is it known whether the violator has received compliance assistance and has failed to correct the violation in a timely manner? Please describe:

(b) (5)

10. Is it suspected that the violator may have obtained an economic benefit or an unfair competitive advantage in its industry from its noncompliance?

No.

11. Should an enforcement action proceed to the penalty stage, are there any known SEP proposals that might be brought to the violator's attention?

No.

12. Did the violation occur in a Community Based, Sector Based or Regional Strategic Planning Priority Area as reflected in the current Enforcement MOA or elsewhere?

No.

Enforcement Options:

**No Action
Warning Letter
NOV
State Lead**

**AO
APO
Judicial Referral
Criminal Referral**